

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

MOHAMMAD DARABI

PLAINTIFF

v.

No. 3:19-cv-72-DPM

**CHARLENE HENRY; ASHLEY COOPER;
MEGAN HENRY; ASHLEY STUART;
RICHARD PUCKETT; BILL STANLEY;
STAN LITTLE; BILL WHITTSITT, JR.;
DOES, Arresting Officers; TAMMY J.
PATE; BOBBY JOHNSON; CELESTE WILSON;
JESSICA MASSEY; ELKS LODGE; CLASS OF
1998 JONESBORO HIGH SCHOOL; PAM
HONEYCUTT; CHAMBERLIN; BRANDON
KING, Sergeant, Jonesboro Police Department;
JOHN EDISON, JR.; ROYCE SMITH; ERIK
JOHNSON; CRAIGHEAD COUNTY
CIRCUIT COURT CLERK; and SCOTT
DAVIDSON, Public Defender**

DEFENDANTS

ORDER

1. Motion to proceed *in forma pauperis*, No 4, granted. Darabi must pay the filing fee, but over time. 28 U.S.C. § 1915(b)(1). The Court assesses an initial partial filing fee of \$30.01. After the initial fee is collected, Darabi's custodian must collect monthly payments from Darabi's prison trust account each time the amount in the account exceeds \$10.00. These payments will be equal to twenty percent of the preceding month's income credited to the account; and they will be

collected and forwarded to the Clerk of the Court until the \$350.00 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The payments forwarded on Darabi's behalf must be clearly identified by case name and case number.

2. The Court directs the Clerk to send a copy of this Order to the Administrator of the Craighead County Detention Center, 901 Willett Road, Jonesboro, Arkansas 72401.

3. The Court must screen Darabi's complaint. *No 1*; 28 U.S.C. § 1915A. Darabi was charged with making a terroristic threat. Public records show the charges against him are pending in Craighead County Circuit Court. *State v. Darabi*, 16JCR-18-1282. Darabi says that the charges against him are false, that he was unlawfully arrested, and that he's being framed. He seeks damages, among other relief. *No 1*.

The Court must abstain from proceeding with Darabi's federal case because the criminal case is ongoing, Arkansas has an important interest in enforcing its criminal laws, and Darabi may raise his constitutional claims during his state criminal proceedings. *Younger v. Harris*, 401 U.S. 37, 43-45 (1971); *Mounkes v. Conklin*, 922 F. Supp. 1501, 1510-13 (D. Kansas 1996). Further, there's no indication of bad faith, harassment, or any other extraordinary circumstances that would make abstention inappropriate. *Tony Alamo Christian Ministries v. Selig*, 664 F.3d 1245, 1254 (8th Cir. 2012). These claims must therefore be put on hold until there's a final disposition of Darabi's pending state charges.

Wallace v. Kato, 549 U.S. 384, 393–94 (2007); *Yamaha Motor Corporation, U.S.A. v. Stroud*, 179 F.3d 598, 603–04 (8th Cir. 1999).

* * *

This case is stayed. Darabi can move to reopen this case after final disposition of his state case, including any appeal. Any motion to reopen must be filed within sixty days of that final disposition. If Darabi doesn't file a timely motion to reopen or a status report 17 April 2020, then the Court will reopen the case and dismiss it without prejudice.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

17 April 2019